

BECHUANALAND PROTECTORATE.

No. 41 of 1927.

[Promulgated 23rd September, 1927.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER

Making provision for the maintenance and discipline of the Police Force in the Bechuanaland Protectorate.

Whereas it is expedient to make provision for the maintenance and discipline of the Police Force in the Bechuanaland Protectorate;

And whereas it is also expedient to provide for the attendance of witnesses at trials of members of the said Police Force and to make other provisions in relation to the said Force;

Now therefore, under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. In this Proclamation, unless inconsistent with the context—

“The Force” shall mean the Police Force established under this Proclamation;

“Commandant” shall mean the Commandant of the Force appointed under this Proclamation or any officer appointed to act temporarily in his place;

“Officer” shall mean a commissioned officer of the Force;

“Member of the Force” shall mean any officer, warrant officer, non-commissioned officer, trooper or constable serving in the Force;

“Regulations” shall mean the regulations made under section four of this Proclamation.

2. There shall be established and maintained within the Bechuanaland Protectorate a force of police to be known as the “Bechuanaland Protectorate Police” of such strength and so constituted and organized as the High Commissioner may from time to time direct. The High Commissioner shall also direct as he may think fit the employment and distribution of the Force. Members of the Force shall have all the powers and duties which are conferred and imposed upon members of the Police Force by any law having effect in the Bechuanaland Protectorate. In time of war or other emergency the Force may be employed as a military force at the discretion of the High Commissioner.

3. The High Commissioner may from time to time appoint and remove the Commandant and inspectors and sub-inspectors of Police as he may think necessary; such officers shall exercise such powers jurisdiction and duties as shall be conferred and imposed upon them from time to time by law or defined in their commissions.

4. The High Commissioner may from time to time make alter and repeal regulations relative to the enlistment discipline discharge training arms accoutrements clothing and equipment of the Force and relative to all such matters as are necessary for promoting its discipline and efficiency and may by such regulations provide for the trial of members of the Force by any of the Courts of the Bechuanaland Protectorate or by officers or boards of officers for offences thereunder and may specify the punishments whether of fine imprisonment with or without hard labour or degradation or dismissal from the Force or any two or more of such punishments which may be imposed by such Courts or by such officers or boards of officers for any such offence.

5. All members of the existing Bechuanaland Protectorate Police Force who shall within such period as the High Commissioner may appoint consent in writing to serve under the provisions of this Proclamation and the regulations shall be deemed to have been enrolled thereunder and shall be subject to all the provisions thereof and all members of the existing Bechuanaland Protectorate Police Force who shall not so consent shall remain subject to the terms of their engagement as defined before the taking effect of this Proclamation.

6. The Commandant or any officer of the Force may for the purpose of the trial by him or by a board of officers of which he is a member of any member of the Force under the regulations summon any person to attend as a witness at such trial, and may at such trial take the evidence on oath of any witness.

7. Any person so summoned as a witness at such trial who fails to attend at the time and place mentioned in the summons and any witness who refuses to answer any question that may be lawfully put to him at such trial shall be liable on conviction before a Court of Resident Magistrate to such penalty as he would have been liable to if he had failed upon lawful summons to attend any trial at the Court of Resident Magistrate of the District in which such trial was held, or, being a witness at a trial before a Court of Resident Magistrate, had refused to answer any question lawfully put to him thereat; and if at any trial referred to in this Proclamation any witness on oath make any false statement material to the issue knowing the same to be false, he shall be guilty of and liable upon conviction to the penalties for the crime of perjury.

8. Necessary witnesses, other than members of the Force or of the Bechuanaland Protectorate Public Service, called either for the prosecution or for the defence shall be paid such fees or given such food rations as may from time to time be allowed to witnesses appearing before Courts of Resident Magistrates. Witnesses called for the defence in manner otherwise than by summons whose evidence was not in the opinion of the officer presiding at the trial material shall not be paid such fees or given such food rations.

9. Any person, not being a member of the Force, who—

(a) by words, conduct or demeanour, pretends that he is a member of the Force; or

(b) agrees with, or induces, or attempts to induce, any member of the Force to omit to carry out his duty, or to do any act in conflict with his duty; or

(c) supplies any member of the Force, while on duty, with intoxicating liquor; or

(d) is a party to or aids or abets or incites to the commission of any act whereby any lawful order given to any member of the Force or any regulation may be evaded,

shall, in addition to any other punishment to which he may be liable, be liable on conviction before a Court of Resident Magistrate to a fine not exceeding fifty pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding six months.

10. Proclamation No. 22 of 1896 and Proclamation No. 17 of 1897 as far as applicable to the Bechuanaland Protectorate are hereby repealed, except in so far as those members of the Force are concerned who elect under section *five* to remain subject to the terms of their engagement as defined before the taking effect of this Proclamation; provided that any proceedings commenced and pending under the said Proclamations No. 22 of 1896 and No. 17 of 1897 shall be continued as if this Proclamation were not in force.

11. This Proclamation may be cited as the Bechuanaland Protectorate Police Proclamation, 1927, and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Sixteenth day of September One thousand Nine hundred and twenty-seven.

ATHLONE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

B. E. H. CLIFFORD,
Imperial Secretary.